

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.	10/664,715	Confirmation No.:	4404
Applicant(s)	Dimitrios Manoussakis	Examiner:	P. Kathryn Wright
Filed:	September 18, 2003	Docket:	P-5808/1
Group Art Unit:	1743	Customer No.:	26253
Title:	High Bias Gel Tube and Process For Making Tube		

The Commissioner of Patents  
OIPE Customer Service  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.181(a) FOR WITHDRAWAL OF**  
**ABANDONMENT**

Applicant respectfully petitions the Commissioner for Patents that the abandonment set forth in the notice mailed by the U.S. Patent and Trademark Office ("USPTO") on May 4, 2011 be withdrawn.

The Examiner proposes that the reason for abandonment was that no reply was received from the office letter mailed on April 29, 2010.

The USPTO Pair system (see pages 4 and 5) shows that a Notice of Appeal was filed October 29, 2010 together with the appropriate fee and a 3 month extension of time fee, (see pages 6 to 11) in response to the Final Office Action mailed April 29, 2010, in the above referenced application.

The Examiner should also note, that MPEP § 1205.01 (Time for Filing Appeal Brief) states:

37 CFR **41.37(a)** provides 2 months from the date of the notice of appeal for the appellant to file an appeal brief and the appeal brief fee set forth in 37 CFR **41.20(b)(2)**. .....

37 CFR **41.37(a)** does not permit the brief to be filed within the time allowed for reply to the action from which the appeal was taken even if such time is later. Once appellant timely files a notice of appeal in compliance with 37 CFR 41.31, the time period for reply set forth in the last Office action is tolled and is no longer relevant for the time period for filing an appeal brief. ....

This 2-month time period for a patent application may be extended under 37 CFR **1.136(a)**, and if 37 CFR **1.136(a)** is not available, under 37 CFR **1.136(b)** for extraordinary circumstances.

In the event that the appellant finds that he or she is unable to file a brief within the time period allotted by the rule, he or she may file a petition, with fee, to the Technology Center (TC), requesting additional time under **37 CFR 1.136(a)**. Additional time in excess of 5 months will not be granted unless extraordinary circumstances are involved under **37 CFR 1.136(b)**. The time extended is added to the calendar day of the original period, as opposed to being added to the day it would have been due when said last day is a Saturday, Sunday, or Federal holiday.

Therefore the statutory date for the filing of appellants' brief including the period for response of two months under 37 CFR 41.37(a) and an additional five months extension under 37 CFR 1.136(a) is May 29, 2011.

Applicants respectfully request that the Notice of Abandonment be withdrawn.

Applicants respectfully submit that no fee is due for this petition.

Nevertheless, Applicants hereby authorize the Commissioner to charge any fees due in connection with this Petition, and any other fees which may be required, or credit any overpayment due in connection with the present application to Deposit Account No. 02-1666.

In addition, acknowledgement of the active status of this application is respectfully requested.

Any questions concerning this application or response may be directed to the undersigned agent of applicants'.

Respectfully submitted,

/Mark Lindsey/

Mark Lindsey  
Registration No. 52,515  
Agent for Applicant(s)  
201 847 6262

Dated: May 13, 2011.

Becton, Dickinson and Company  
1 Becton Drive, MC110  
Franklin Lakes, New Jersey 07417-1880

Doc# 288131v1

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

### Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
05-04-2011	ABN	Abandonment	PROSECUTION	2
12-02-2010	AP.PRE.DEC	Pre-Brief Appeal Conference decision	PROSECUTION	2
10-29-2010	AP.PRE.REQ	Pre-Brief Conference request	PROSECUTION	7
10-29-2010	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
10-29-2010	N417	EFS Acknowledgment Receipt	PROSECUTION	2
10-29-2010	N/AP	Notice of Appeal Filed	PROSECUTION	2
04-29-2010	CTFR	Final Rejection	PROSECUTION	11
04-29-2010	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
02-10-2010	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
02-10-2010	CLM	Claims	PROSECUTION	10
02-10-2010	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	6
02-10-2010	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
02-10-2010	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-10-2010	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
08-10-2009	CTNF	Non-Final Rejection	PROSECUTION	7
08-10-2009	892	List of references cited by examiner	PRIOR ART	1
08-10-2009	FOR	Foreign Reference	PRIOR ART	14
08-10-2009	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-27-2009	AP.PRE.DEC	Pre-Brief Appeal Conference decision	PROSECUTION	2
06-29-2009	AP.PRE.REQ	Pre-Brief Conference request	PROSECUTION	7
06-29-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
06-29-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
06-29-2009	N/AP	Notice of Appeal Filed	PROSECUTION	2
03-27-2009	CTFR	Final Rejection	PROSECUTION	8
02-20-2009	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
02-20-2009	CLM	Claims	PROSECUTION	10
02-20-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
02-20-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-20-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
11-21-2008	CTNF	Non-Final Rejection	PROSECUTION	9
11-21-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
11-21-2008	SRNT	Examiner's search strategy and results	PROSECUTION	4
10-08-2008	RCEX	Request for Continued Examination (RCE)	PROSECUTION	3
10-08-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
10-08-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	3
10-08-2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
10-08-2008	CLM	Claims	PROSECUTION	10
10-08-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
10-08-2008	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	8
10-08-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
04-10-2008	CTFR	Final Rejection	PROSECUTION	13
04-10-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-10-2008	FWCLM	Index of Claims	PROSECUTION	3
11-27-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
11-27-2007	CLM	Claims	PROSECUTION	10
11-27-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
11-27-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
11-27-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
11-27-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1

11-07-2007	EXIN	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	3
06-27-2007	CTNF	Non-Final Rejection	PROSECUTION	8
06-27-2007	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2
06-27-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1
06-27-2007	FWCLM	Index of Claims	PROSECUTION	3
06-14-2007	SRNT	Examiner's search strategy and results	PROSECUTION	2
06-04-2007	ELC.	Response to Election / Restriction Filed	PROSECUTION	3
06-04-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
06-04-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
04-04-2007	CTRS	Requirement for Restriction/Election	PROSECUTION	7
04-04-2007	FWCLM	Index of Claims	PROSECUTION	3
04-04-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1
04-07-2006	SRNT	Examiner's search strategy and results	PROSECUTION	1
03-27-2006	SRNT	Examiner's search strategy and results	PROSECUTION	3
03-15-2006	SRNT	Examiner's search strategy and results	PROSECUTION	28
03-15-2006	SRNT	Examiner's search strategy and results	PROSECUTION	1
07-21-2005	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3
07-21-2005	NPL	NPL Documents	PRIOR ART	5
07-21-2005	FOR	Foreign Reference	PRIOR ART	22
09-18-2003	TRNA	Transmittal of New Application	PROSECUTION	3
09-18-2003	SPEC	Specification	PROSECUTION	8
09-18-2003	CLM	Claims	PROSECUTION	11
09-18-2003	ABST	Abstract	PROSECUTION	1
09-18-2003	DRW	Drawings-only black and white line drawings	PROSECUTION	8
09-18-2003	OATH	Oath or Declaration filed	PROSECUTION	4
09-18-2003	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
09-18-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
09-18-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
09-18-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1

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## Electronic Patent Application Fee Transmittal

Application Number:	10664715			
Filing Date:	18-Sep-2003			
Title of invention:	High bias gel tube and process for making tube			
First Named Inventor/Applicant Name:	Dimitrios Manoussakis			
Filer:	Mark Lindsey			
Attorney Docket Number:	P-5908			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	540	540
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with 50 paid	1253	1	1110	1110
Miscellaneous:				
Total in USD (\$)				1650

## Electronic Acknowledgement Receipt

EFS ID:	8733853
Application Number:	10664715
International Application Number:	
Confirmation Number:	4404
Title of Invention:	High bias gel tube and process for making tube
First Named Inventor/Applicant Name:	Dimitrios Maniussakis
Customer Number:	26253
Filer:	Mark Lindsey
Filer Authorized By:	
Attorney Docket Number:	P-5508
Receipt Date:	29-OCT-2010
Filing Date:	18-SEP-2003
Time Stamp:	15:42:43
Application Type:	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1650
RAM confirmation Number	2200
Deposit Account	021666
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)



Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	P-5808_1_Notice_of_Appeal_in_response_to_FOA_dated_4-29-10_No275680-v1-.pdf	257740 c026705810c0a2798074b07f23e95174f6a00b01	no	2

Warnings:

Information:

2	Pre-Brief Conference request	P-5808_Request_for_Pre-Appeal_Brief_Review_in_response_to_FOA_dated_4-29-10_No275676-v1.pdf	245158 d1e34c3a279bca08f517611547ee201c0d8b079a77	no	2
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Warnings:

Information:

3	Pre-Brief Conference request	P-5808_1_Pres_for_PreAppeal_Brief_Resasons_for_Review_No275670-v1.pdf	203787 7c4e0770b0c0f70a0b07b0270a0c70b0b0c0a0700	no	5
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Warnings:

Information:

4	Fee Worksheet (PTO-875)	fee-info.pdf	31635 d0e11e127b70d0f51b07ed0e900a7c50811c09a47c	no	2
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Warnings:

Information:

Total Files Size (in bytes):	738320
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

P-5808/1

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

In re Application of  
Dimitrios Manoussakis

Application Number  
10/664,715

Filed  
September 18, 2003

For High bias gel tube and process for making tube

Art Unit  
1797

Examiner  
Patricia Kathryn Wright

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 021666
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/56)
- ☒ attorney or agent of record.  
Registration number 52515
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

/Mark Lindsey/

Signature

Mark Lindsey

Typed or printed name

201-847-6262

Telephone number

October 29, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an international Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.